

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ioannis Moutsatsos et al.

Serial No. : Not yet assigned Examiner: Not yet assigned

Filed : herewith Art Unit: Not yet assigned

For : GENETICALLY ENGINEERED CELLS WHICH EXPRESS BONE MORPHOGENETIC PROTEINS

Honorable Assistant Commissioner for Patents  
 Washington, D.C. 20231  
 BOX: PATENT APPLICATION

## LETTER UNDER 37 CFR §1.63

Pursuant to 37 CFR §1.63, the enclosed application is being filed without a signed Oath or Declaration for the purpose of obtaining a filing date. Upon notification by the United States Patent and Trademark Office, Applicants will submit an executed Declaration and Power of Attorney within the period specified and pay the requisite fee.

SUBMITTED IN TRIPPLICATE

Respectfully submitted,

  
 Steven R. Lazar  
 Reg. No. 32,618  
 Attorney of Record

## CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EM539868762USDate of Deposit September 4, 1998

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as "Express Mail" service under 37 CFR §1.10 in an envelope addressed to Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date of deposit as indicated above.



LEGAL AFFAIRS  
 GENETICS INSTITUTE, INC.  
 87 CambridgePark Drive  
 Cambridge, Massachusetts 02140  
 Telephone: (617) 498-8260  
 Facsimile: (617) 876-5851  
 Dated: September 4, 1998

Please type a plus sign (+) Inside the box

86/40/60

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

*(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))*

Attorney Docket No.	GI5298A
First Inventor or Application Identifier	Ioannis Moutsatsos et al.
Title	GENETICALLY ENGINEERED CELLS WHICH EXPRESS BONE MORPHOGENETIC PROTEINS
Express Mail Label No.	EM539868762US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility application contents

1.  \*Fee Transmittal Form (e.g., PTO/SB/17)

*(Submit an original and a duplicate for fee processing)*

2.  Specification [Total Pages 57]

*(preferred arrangement set forth below)*

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings *(if filed)*
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3.  Drawing(s) [Total Sheets 10]

4. Oath or Declaration [Total Pages ]

a.  Unexecuted (original copy)

b.  Copy from a prior application (37 C.F.R. § 1.63(d))

*(for continuation/divisional with Box 17 completed)*

*[Note Box 5 below]*

DELETION OF INVENTOR(S)

I.  Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

5. Incorporation By Reference *(useable if Box 4b is checked)*

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein

6.  Microfiche Computer Program (Appendix)

7. Nucleotide and/or Amino Acid Sequence Submission

*(if applicable, all necessary)*

a.  Computer Readable Copy

b.  Paper Copy (Identical to computer copy)

c.  Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8.  Assignment Papers (cover sheet & document(s))

9.  37 C.F.R. §3.73(b) Statement *(when there is an assignee)*  Power of Attorney

10.  English Translation Document *(if applicable)*

11.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

12.  Preliminary Amendment

13.  Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*

14.  \*Small Entity Statement(s)  Statement filed in prior application, *(PTO/SB/09-12)*  Status still proper and desired

15.  Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. Other:  Statement Pursuant to 37 CFR 1.63

**\*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C. F. R. §1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C. F. R. § 1.28).**

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment.

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 60/057,989

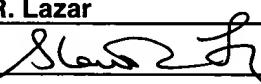
Prior application Information: Examiner Not yet assigned

Group/Art Unit: Not yet assigned

18. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	<input type="checkbox"/> Correspondence address below
(Insert Customer No. or Attach bar code label here)	

Name	Steven R. Lazar				
Address	Genetics Institute, Inc. 87 CambridgePark Drive				
City	Cambridg	State	MA	Zip Code	02140
Country	U. S. A.	Telephone	(617) 498-8260		Fax (617) 876-5851

Name (Print/Type)	Steven R. Lazar	Registration No. (Attorney/Agent)	32,618
Signature			Date September 4, 1998

100-148234  
09/04/98

100-148234  
09/04/98

# FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997.

Small Entity payments **must** be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

**TOTAL AMOUNT OF PAYMENT**

**(\$)** 790

## Complete If Known

Application Number	Not yet assigned
Filing Date	September 3, 1998
First Named Inventor	Ioannis Moutsatsos et al.
Examiner Name	Not yet assigned
Group / Art Unit	Not yet assigned
Attorney Docket No.	GI5298A

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit

Account  
Number

07-1060

Deposit

Account  
Name

GENETICS INSTITUTE, INC.

Charge Any Additional Fee  Charge the Issue Fee Set in  
Required Under 37 C.F.R. §§ 1.18 at the Mailing of  
37 C.F.R. §§ 1.16 and 1.17 the Notice of Allowance

2.  Payment Enclosed:

Check  Money  Other  
Order

## FEE CALCULATION

### 1. BASIC FILING FEE

#### Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	790	201	395	Utility filing fee	790
106	330	206	165	Design filing fee	
107	540	207	270	Plant filing fee	
108	790	208	395	Reissue filing fee	
114	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>				<b>790</b>	

### 2. EXTRA CLAIM FEES

Total Claims	10	-	20**	=	<input type="checkbox"/>	×	22	=	0
Independent Claims	1	-	3**	=	<input type="checkbox"/>	×	82	=	0
Multiple Dependent					<input type="checkbox"/>				0

\*\*or number previously paid, if greater; For Reissues, see below

#### Large Entity Small Entity

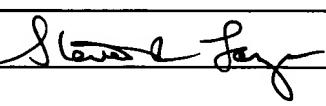
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	22	203	11	Claims in excess of 20
102	82	202	41	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	82	209	41	**Reissue independent claims over original patent
110	22	210	11	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>				<b>0</b>

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
105	130	205	65 Fee Surcharge - late filing fee or oath
127	50	227	25 Surcharge - late provisional filing fee or cover sheet
139	130	139	130 Non-English Specification
147	2,52	147	2,520 For filing a request for reexamination
		0	
112	920	112	920* Requesting publication of SIR prior to Examiner action
113	1,84	113	1,840* Requesting publication of SIR after Examiner action
	0		
115	110	215	55 Extension for reply within first month
116	400	216	200 Extension for reply within second month
117	950	217	475 Extension for reply within third month
118	1,51	218	755 Extension for reply within fourth month
	0		
128	2,06	128	1,030 Extension for reply within fifth month
	0		
119	310	219	155 Notice of Appeal
120	310	220	155 Filing a brief in support of an appeal
121	270	221	135 Request for oral hearing
138	1,51	138	1,510 Petition to institute a public use proceeding
	0		
140	110	240	55 Petition to revive - unavoidable
141	1,32	241	660 Petition to revive - unintentional
	0		
142	1,32	242	660 Utility Issue fee (or reissue)
	0		
143	450	243	225 Design Issue fee
144	670	244	335 Plant Issue fee
122	130	122	130 Petitions to the Commissioner
123	50	123	50 Petitions related to provisional applications
126	240	126	240 Submission of Information Disclosure Stmt
581	40	581	40 Recording each patent assignment per property (times number of properties)
146	790	246	395 Filing a submission after final rejection (37 CFR 1.129(a))
149	790	249	395 For each additional invention to be examined (37 CFR 1.129(b))
Other (specify)			
Other fee (specify)			
<b>SUBTOTAL (3) (\$)</b>			

\*Reduced by Basic Filing Fee Paid

Complete (if applicable)

SUBMITTED BY	Typed or Printed Name	Steven R. Lazar	Reg. Number	32,618
Signature		Date	September 4, 1998	Deposit Account User ID